

AO FOIA Centralization Pilot Project Description

All new incoming FOIA requests pertaining to OEX, OPA, OCIR, and OP will be assigned to OGC's FOIA Expert Assistance Team (FEAT). Three FTE will be added to OGC/the FEAT and will be dedicated to managing these requests as "FEAT FOIAs." As such, the FEAT will immediately review an incoming request; develop a strategy for processing that request; and then provide guidance, assistance, and direction to existing staff in OEX, OPA, OCIR, and OP, who will be responsible for reviewing records consistent with the guidance and direction provided and for certain logistics associated with production of records to the requester. The FEAT will ensure appropriate consultation with senior officials in the relevant offices through the lifecycle of a request, including providing a pre-production awareness review opportunity for material to be released and ensuring the official authorizing a response is authorized to do so under the applicable agency guidance and delegations.

For FOIA requests pending in each of the four offices at the initiation of the pilot, the FEAT Director and senior manager of the affected office will review the status of each of the requests, identify requests for which FEAT oversight would be helpful in responding to and processing the requests to conclusion and agree to a path forward for all pending requests.

This Pilot Project will generate information on the benefits of increased centralization of FOIA processing responsibilities at the EPA and the resources necessary for such centralization. That information will be used to inform a near-term decision regarding increased centralization of the EPA's existing de-centralized approach to processing FOIA requests.

To complement this project, OEI and OGC will hold FOIA management training meetings in each of EPA's program offices to ensure consistency with Agency procedures. OEI and OGC also will coordinate with the RAs to conduct new training with the Regions to ensure Agency-wide consistency.

Current Status of FOIA Processing within the AO:

- The AO Immediate Office, the Office of Public Affairs (OPA), the Office of Policy (OP) and the Office of Congressional and Intergovernmental Relations (OCIR) each receive a substantial number of FOIA requests weekly
- Each currently has many pending requests
 - Current estimates of pending requests:
 - OEX (handles AO Immediate Office FOIAs): 391
 - OPA: 107
 - OCIR: 97
 - OP: 45

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- Since 1/1/2017, all four offices have seen a substantial increase in incoming FOIA requests
 - OEX alone has seen an 189% increase of incoming requests in the last 5 months
- Affected offices currently do not have sufficient staff to effectively and efficiently manage their caseloads

Centralized Management Pilot Project:

- All incoming FOIA requests for OEX, OPA, OCIR, and OP will be managed as “FEAT FOIAs” and be assigned directly to the OGC FOIA Expert Assistance Team (FEAT) Office
- FEAT staff (combination of attorneys and Government Information Specialists) will review every OEX, OPA, OCIR and OP incoming request to immediately determine whether the request is a proper request under FOIA and/or whether clarification or narrowing of the request was needed
- FEAT staff will then work with the program office staff in OEX, OPA, OP and OCIR to reach out to the requester, agree on scope of request and the search to be conducted, work with the program staff and OEI to collect responsive documents and then oversee the document review process, ensuring quality and consistency of document review
 - Existing staff in OEX, OPA, OCIR, and OP will be responsible for reviewing records consistent with the guidance and direction provided by the FEAT and for certain logistics associated with production of records to the requester
 - To ensure expeditious and efficient processing of requests, any disagreement between the FEAT Team Member and staff from OEX, OPA, OP and OCIR regarding any of the above aspects of the case will be elevated to the Director of the FEAT and the appropriate management official within the relevant office within 24 hours of the disagreement
 - Should the disagreement not be resolved at that level, it will be elevated to the Principal Deputy General Counsel (or, currently, the Acting General Counsel), who will consult and inform the Chief of Staff, as appropriate, and provide final resolution of the disagreement
- FEAT will coordinate with OEX, OPA, OP, and OCIR senior career management to ensure that they were aware of the documents being proposed for production and were prepared to sign off on those productions
- Prior to release of any documents to the public, FEAT will ensure that senior Agency

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leadership were given the opportunity for an awareness review of the documents to be released

- Following senior leadership awareness review, documents will be released to the requester and posted to FOIAonline

Benefits of FEAT Management of AO Requests:

- FEAT has established track record of effective oversight and management of the Agency's most complex and voluminous requests
- Management of the FOIAs would be the lead responsibility of FEAT Team Members, allowing AO program staff in affected offices to focus on document review and processing
- Application of the four hallmarks of the FEAT's success to all covered requests:
 1. Personal communication with requesters;
 2. Coordination of similar requests;
 3. Internal coordination with senior leadership prior to release of documents; and
 4. Proactive posting of materials when appropriate in lieu of producing through FOIA to reduce burden on Agency

Resources Necessary to Implement AO FOIA Centralization Pilot Project

- FEAT will receive three additional FTE and funding to support them in order to implement the Pilot Project as described
 - These three FTE will be an addition to OGC's existing FTE ceiling, and will be unencumbered by an existing employee when provided to OGC, however, OGC agrees to prioritize filling the positions with existing agency employees who encumber positions that count against the EPA's overall FTE number so as not to increase the number of employees currently on board at the agency
 - Staff currently engaged in FOIA in the affected offices are essential to the success of the pilot and will continue to devote the same amount of their time engaged in FOIA, focusing their work on FOIA processing with the oversight of the FEAT
 - Based on experience once the Pilot is underway, the FEAT Director may engage with the leadership of any of the four offices regarding a need for additional staff resources from their office

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